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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PHILIP WOLFE, KATALINA DURDEN,
MELISSA LEWIS, JUNIPER SIMONIS,
individually, and DISABILITY RIGHTS
OREGON, an Oregon nonprofit and
advocacy corporation,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal
corporation; TED WHEELER, in his official
capacity; CHUCK LOVELL, in his official
capacity; MULTNOMAH COUNTY, a
political subdivision of the State; MICHAEL
REESE, in his official capacity; TERRI
DAVIE, in her official capacity; CHAD
WOLF, in his individual capacity;
ALEJANDRO MAYORKAS, in his official
capacity; DONALD WASHINGTON, in his
individual and official capacity; and DOES
1-100, individual and supervisory officers of
local, state, and federal government,

Defendants.

Case No. 3:20-cv-01882-SI

**DECLARATION OF CHAD LUDWIG IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Chad Ludwig, make the following declaration based on my personal knowledge and declare under penalty of perjury pursuant to 28 U.S.C § 1746 that the following is true and correct:

1. My name is Chad Ludwig. I am over 18 years of age and I reside in Oregon.
2. I am a person with a disability. I am deaf, and I communicate using American Sign Language.
3. In 1997, I received a bachelor's degree in social work from the National Technical Institute of the Deaf at Rochester Institute of Technology in Rochester, New York. In

2002, I received a master's degree in social work and a certificate in social work practice with Deaf and Hard of Hearing individuals from East Carolina University. I am also certified as a Deaf/Blind interpreter and as an ADA Coordinator.

4. I have worked for the state of Oregon as a community organizer and activist for people who are Deaf and Hard of Hearing since 2012. I continue to work as an advisory member of the State of Oregon's Early Hearing Detection and Intervention Board, the Northwest ADA Advisory Committee at the Northwest ADA Center, and the Oregon Telephone Assistance Program with the Oregon Public Utility Commission.
5. I am currently employed at Western Oregon University's Regional Resource Center on Deafness as its Director. I also serve as the Executive Director at Bridges Oregon, a nonprofit that serves the interests of Deaf, Deaf/Blind, and Hard of Hearing individuals in Oregon.
6. Among my roles in advocacy in Oregon, I have worked with the Oregon Association for the Deaf (OAD) for many years, including serving as President from 2013 to 2017.
7. In August 2013, I attended a presentation at the Portland Commission on Disability regarding a new order from the Portland Police Chief, who at that time was Mike Reese. OAD reviewed the new policies directive of the Portland Police Bureau regarding communication with Deaf, Deaf/Blind, and Hard of Hearing individuals. OAD found that many of the policies and directives needed to be made more precise, contain more specific guidance, remove pejorative language, and incorporate more updated technology into its policies and directives.
8. I submitted under my signature a letter to Jenifer Johnston, the Deputy City Attorney for the City of Portland, dated August 26, 2013.
9. Attached is a true and correct copy of that letter.
10. Following the submission of my letter, I made repeated efforts to follow up with the City but obtained no satisfactory answer or any alteration to the policy directive.

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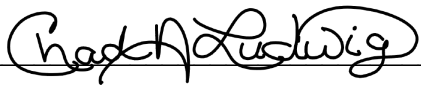
11. Review of the current policy shows that none of the concerns of the Deaf community articulated in the letter were addressed.

- The current policy continues to use the pejorative term “hearing impaired.”
- The current policy does not require that sign language interpreters be certified and qualified.
- The current policy encourages police officers to use written notes to communicate when an interpreter is not available and makes no mention of Video Remote Interpreting as an alternative.
- The current policy encourages use of TTY and Telephone Relay Services to accommodate Deaf and Hard of Hearing individuals. The policy does not mention or encourage the widely-used and more effective Video Relay Services that allow Deaf and Hard of Hearing users to see others’ lips moving and to see the signing of an interpreter.

12. The current policy is available online and indicates that it has not been amended since its enactment on August 7, 2013, as of the date of my review. The website does report that the directive is under review with no indication of when the review began or might be completed, or how one might weigh in on that process. Portland Police Bureau, Policy 0640.36: Communication with Hearing Impaired and Limited English Proficient Persons, *available at* <https://www.portlandoregon.gov/police/article/533213>.

I declare under penalty of perjury and under the laws of the United States, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, memory, and belief.

Executed on January 19, in the year 2021, in the city of Independence


Chad Ludwig

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Declaration of Chad Ludwig in

Support of Plaintiffs' Motion for Preliminary Injunction the attorney or party listed below on
the date set forth below by the method(s) indicated:

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service in the eFiling system,
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- ☐ Other

DATED: February 8, 2021.

s/ John C. Clarke
Attorneys for Plaintiffs